

**United States District Court
District of Nebraska**

SEAN GUFFEY,

Plaintiff,

v.

KYLE MICHAEL KELLEY,

Defendant.

Case No.

Complaint and Trial Designation

Plaintiff alleges:

1. The United States District Court has original jurisdiction pursuant to 28 USC §1333(1) as this is a civil case involving admiralty or maritime jurisdiction. The tort of which plaintiff complains is maritime in nature and his claim therefore is cognizable in admiralty because the tort occurred on navigable waters of the Missouri River.

2. Venue is proper in the District of Nebraska pursuant to 28 USC §1402(b) because both the Plaintiff and the Defendant reside in the District of Nebraska. The events giving rise to this claim occurred on the Missouri River, a federal navigable water, at a location between the States of Nebraska and Iowa.

3. Plaintiff Sean Guffey is a resident of Omaha, Douglas County, Nebraska.

4. Defendant Kyle Michael Kelley (“Kelley”) is a resident of La Vista, Sarpy County, Nebraska.

5. On or about August 30, 2014, Defendant Kelley was the owner and operator of Larson Senza B0722 motor boat registered in the State of Nebraska as NB594MBE and named “GIGGITY! GIGGITY!”

6. At approximately 7:00 pm CST on or about August 30, 2014, Plaintiff sustained severe personal injury when he was positioned to board Defendant's vessel from the aft ladder and while he was in the water of the Missouri River. Plaintiff was struck by the motorized spinning propeller blades of Defendant's vessel.

7. The injuries to Plaintiff and his resulting damages were solely and proximately caused by the negligence of Defendant. Such negligence was as follows:

- a. Failure to exercise proper control over his vessel;
- b. Failure to exercise ordinary care in the operation of his vessel;
- c. Failure to maintain a proper lookout for Plaintiff who was in a position of danger created by Defendant;
- d. Failure to warn Plaintiff of the danger created by Defendant in actively engaging the propeller of his vessel;

8. As a direct and proximate result of the negligence of Defendant, Plaintiff sustained personal injuries. Plaintiff's injuries are permanent

9. As a direct and proximate result of the negligence of Defendant, Plaintiff has incurred necessary medical care expenses for his injuries. To date, the medical expenses total approximately \$27,000.00.

10. Plaintiff has also sustained general damages for temporary and permanent mental and physical pain, anguish, emotional distress, bodily limitation, loss of use and range of motion of his body.

WHEREFORE, Plaintiff requests judgment against the Defendant and costs incurred herein.

Trial Designation

Plaintiff designates Omaha, Nebraska, as the place for trial.

June 9, 2015

Sean Guffey,

BY: /s/ Cletus W. Blakeman
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